IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 230 of 2001
Date of decision: March 14, 2007

Jagraj Singh ...Petitioner

Versus

Charanjit Singh and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL

Present: Mr. HS Kharbanda, Advocate,
for the petitioner.

Ms. Manjit Kaur, Advocate, for
Mr. Onkar Rai, Advocate.

K.S.GAREWAL, J.

In this petition under Article 215 of the Constitution of India read with Contempt of Courts Act filed by Jagraj Singh son of Suba Singh against Charanjit Singh and Sukhjinder Singh. The third respondent is Darshan Singh, Manager of Gurdwara Sahib in favour of which alienation was made, allegedly by violating the order of this Court dated May 19, 1988. Under this order the respondents had been restrained from alienating the property till further orders. The order dated July 19, 1988 had confirmed the said order.

It has been pleaded that 22 kanals of land was alienated by

Charanjit Singh and Sukhjinder Singh in favour of Gurdwara known as "Anand Ishwar Darbar Gurudwara Sahib". The sellers did not receive any consideration under the sale deed dated December 14, 2000. From the recitals of the sale deed it appears that the land has been given as a gift.

This petition was partly heard on July 11, 2002 and it was ordered to be listed as per roster. Thereafter, on March 11, 2003, it was ordered to be listed alongwith CWP 211 of 1986. Today CWP 211 of 1986 has been dismissed and it has been held that partition proceedings concluded by the Assistant Collector Ist Grade, Ferozepur on June 4,1982 were legal and valid. Therefore, the alienation made during the period when there was an order restraining alienation was in operation, must be held to be legal. The alienation was for a good cause i.e. for construction of a gurudawara. The land was donated for a religious and charitable purpose and no consideration was received. For the above reasons, no further action is to be taken against the respondents.

The Contempt Petition is dismissed and rule is discharged.

March 14, 2007 **(K.S.GAREWAL)**
prem **JUDGE**